



3. After he was sentenced, the defendant appealed his conviction. On January 21, 2010, this Court authorized the defendant to remain within this district at the Metropolitan Correctional Center “for the pendency of the direct appeal, or at least until the filing of the opening brief.” *See* Docket #1197.

4. Briefing of the defendant’s appeal is complete and oral argument is scheduled for February 13, 2012.

**RELIEF REQUESTED**

5. By this motion, the government seeks entry of an order authorizing the return of defendant James Marcello to the custody of the warden of his designated institution after February 13, 2012.

**BASIS FOR RELIEF**

6. There is no good reason for the defendant to remain at the Metropolitan Correctional Center, and the grounds supporting the defendant’s prior motion are now gone – briefing is complete and oral argument will occur on February 13, 2012. Moreover, there is no court appearance anticipated in this district that demands the defendant’s continued presence here pursuant to 18 U.S.C. § 3621(d); indeed, there has not been a scheduled court appearance for approximately two years. The motion should be granted.

WHEREFORE, the government respectfully requests that the Court enter an order (i) granting the motion; and (ii) granting the government such other and further relief as is just and proper.

Dated: January 31, 2012  
Chicago, Illinois

Respectfully submitted.  
PATRICK J. FITZGERALD  
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**CERTIFICATE OF SERVICE**

Amarjeet S. Bhachu, an Assistant United States Attorney assigned to the instant matter, hereby certifies that the attached GOVERNMENT'S MOTION FOR ORDER AUTHORIZING RETURN OF PRISONER TO HIS DESIGNATED INSTITUTION was served on January 31, 2012, in accordance with FED. R. CRIM. P. 49, FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

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